

111TH CONGRESS
1ST SESSION

H. R. 292

To improve energy and water efficiencies and conservation throughout the
Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2009

Mr. BUYER (for himself, Mr. MICHAUD, Mr. WALZ, Mr. BROWN of South Carolina, Mr. BILIRAKIS, Mr. BOOZMAN, Mr. LAMBORN, Mr. HARE, Mr. BUCHANAN, and Mr. MILLER of Florida) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve energy and water efficiencies and conservation
throughout the Department of Veterans Affairs, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Department of Veterans Affairs Energy Sustainability
6 Act of 2009”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Department of Veteran Affairs Sustainability Program.
- Sec. 3. Database on energy and water usage and expenditures.
- Sec. 4. Annual energy usage audit requirements.
- Sec. 5. Office of Energy Management.
- Sec. 6. Advisory Committee on Energy Management and Sustainability.
- Sec. 7. Compliance with Executive Order 13423 and Department of Veterans Affairs Directive 0055.
- Sec. 8. Report on installation of fueling stations for alternative fuels.
- Sec. 9. Installation of energy efficient and renewable energy systems in Department buildings.
- Sec. 10. Use of electrical sub-metering of buildings of the Department of Veterans Affairs.
- Sec. 11. Energy Star acquisition requirements.
- Sec. 12. Grants for adaptive housing to encourage use of high efficiency systems and products and other energy reduction items.
- Sec. 13. Grants for adaptive vehicles to encourage purchase of alternative fuel vehicles.
- Sec. 14. Study on water and energy consumption by National Cemetery Administration.
- Sec. 15. Use by Department of Veterans Affairs of expertise of the national laboratories regarding energy and water efficient technologies.
- Sec. 16. Pilot program for the sale of air pollution emission reduction incentives and retention of proceeds from sales.
- Sec. 17. Submission of reports to Congress by Secretary of Veterans Affairs in electronic form.

3 **SEC. 2. DEPARTMENT OF VETERAN AFFAIRS SUSTAIN-**
 4 **ABILITY PROGRAM.**

5 (a) SUSTAINABILITY PROGRAM.—Not later than two
 6 years after the date of the enactment of this Act, the Sec-
 7 retary of Veterans Affairs shall implement a comprehen-
 8 sive program (to be known as the “Energy Sustainability
 9 Program”) throughout the Department of Veterans Af-
 10 fairs for the purpose of using resources in a manner so
 11 that the resources are used in a manner that minimizes
 12 consumption and encourages the use of alternative sources

1 of energy while still meeting the responsibilities of the De-
2 partment.

3 (b) GOALS OF PROGRAM.—The goals of the Sustain-
4 ability Program are—

5 (1) to reduce overall energy consumption by the
6 Department of Veterans Affairs, per unit of measure
7 determined by the Secretary of Veterans Affairs;

8 (2) to reduce overall water usage by each of the
9 Veterans Health Administration, National Cemetery
10 Administration, and Veterans Benefits Administra-
11 tion, per unit of measure determined by the Sec-
12 retary;

13 (3) to reduce the non-bio hazard and non-toxic
14 waste stream generated by activities of the Depart-
15 ment;

16 (4) to increase, whenever appropriate, the use
17 of products that promote and support an integrated
18 approach to sustainability; and

19 (5) to cooperate to the maximum extent pos-
20 sible with State and local jurisdictions in matters of
21 sustainability.

22 (c) OUTREACH.—The Secretary of Veterans Affairs
23 shall take immediate action to inform all personnel of the
24 Department of Veterans Affairs about the need for the

1 Sustainability Program and its goals and to encourage
2 feedback from Department personnel.

3 (d) MANAGEMENT ORGANIZATION.—Not later than
4 90 days after the date of the enactment of this Act, the
5 Secretary of Veterans Affairs shall establish a manage-
6 ment organization, to be led by the Assistant Secretary
7 for Management, to develop the Sustainability Program.
8 To assist the management organization, the Secretary
9 shall appoint an advisory committee, to be comprised of
10 Government employees, private persons, and industry offi-
11 cials with experience and expertise in developing sustain-
12 ability programs.

13 (e) STRATEGIC PLAN.—

14 (1) PLAN REQUIRED.—As part of the Energy
15 Sustainability Program, the Secretary of Veterans
16 Affairs shall develop a strategic plan for energy sus-
17 tainability for the Department of Veterans Affairs.

18 (2) REPORT TO CONGRESS.—Not later than
19 180 days after the date of the enactment of this Act,
20 the Secretary shall submit to Congress a report on
21 the progress made by the Secretary in developing
22 the plan required by subsection (a).

1 **SEC. 3. DATABASE ON ENERGY AND WATER USAGE AND EX-**
2 **PENDITURES.**

3 (a) DATABASE REQUIRED.—The Secretary of Vet-
4 erans Affairs shall establish and maintain a database to
5 track and report on energy and water expenditures by the
6 Department of Veterans Affairs. The database will provide
7 a baseline to compare changes in Department energy and
8 water expenditures.

9 (b) DATABASE CATEGORIES.—At a minimum in
10 maintaining the database, the Secretary of Veterans Af-
11 fairs shall maintain summary statistics by facility type,
12 major census region, size and age of facility, and energy
13 and water source. In the case of health care facilities, the
14 Secretary shall use subcategories of inpatient, outpatient,
15 nursing home, and domiciliary care. Data on energy
16 sources shall include the percentage of energy supplied by
17 petroleum, natural gas, coal, and alternative energy.

18 **SEC. 4. ANNUAL ENERGY USAGE AUDIT REQUIREMENTS.**

19 (a) BASELINE.—

20 (1) ESTABLISHMENT.—Not later than Sep-
21 tember 30, 2010, the Secretary of Veterans Affairs
22 shall complete an audit of energy usage by the De-
23 partment of Veterans Affairs during fiscal year
24 2010.

25 (2) SUBMISSION.—Not later than March 30,
26 2011, the Secretary shall submit to Congress, in

1 electronic form, a report containing the results of
2 the energy audit.

3 (3) USE.—The energy audit shall serve as a
4 baseline for the Sustainability Program required by
5 section 2 and identify the potential impact of the
6 Sustainability Program on the budget of the Depart-
7 ment of Veterans Affairs.

8 (b) ANNUAL ENERGY AUDIT UPDATE AND RE-
9 PORT.—As part of the annual report required to be sub-
10 mitted under section 546(e)(b) of title 38, United States
11 Code, as added by section 5, the Secretary shall include
12 a report comparing energy usage by the Department of
13 Veterans Affairs during the last fiscal year that ended be-
14 fore the submission of the report to the fiscal year 2010
15 baseline.

16 **SEC. 5. OFFICE OF ENERGY MANAGEMENT.**

17 (a) ESTABLISHMENT OF OFFICE.—Chapter 3 of title
18 38, United States Code, is amended by adding at the end
19 the following new section:

20 **“§ 323. Office of Energy Management**

21 “(a) ESTABLISHMENT.—There is in the Department
22 an Office of Energy Management.

23 “(b) HEAD.—There is at the head of the Office a Di-
24 rector, who shall be a Deputy Assistant Secretary. The

1 Director reports directly to the Assistant Secretary for
2 Management.

3 “(c) RESPONSIBILITIES.—The Director is responsible
4 for—

5 “(1) the formulation of policy and planning re-
6 lated to, and the implementation of, energy manage-
7 ment programs of the Department; and

8 “(2) the monitoring of Department compliance
9 with—

10 “(A) Executive Orders, Department Direc-
11 tives, and statutory requirements relating to en-
12 ergy management;

13 “(B) Department energy audits; and

14 “(C) reporting requirements to Congress
15 relating to the Department energy policies; and

16 “(3) serving as the chair of the Advisory Com-
17 mittee on Energy Management and Sustainability
18 under section 546 of this title.

19 “(d) STAFF AND SUPPORT.—The Office shall employ
20 a sufficient number of personnel as are necessary to carry
21 out the responsibilities of the Office. The Secretary shall
22 ensure that the Office is furnished sufficient resources in
23 addition to personnel to enable the Office to carry out its
24 responsibilities in a timely manner.”.

1 (b) INCREASE IN MAXIMUM NUMBER OF DEPUTY
 2 ASSISTANT SECRETARIES.—Section 308(d)(1) of such
 3 title is amended by striking “not exceeding 19” and insert-
 4 ing “not exceeding 20”.

5 (c) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of such chapter is amended by adding
 7 at the end the following new item:

“323. Office of Energy Management.”.

8 **SEC. 6. ADVISORY COMMITTEE ON ENERGY MANAGEMENT**
 9 **AND SUSTAINABILITY.**

10 (a) ESTABLISHMENT.—Chapter 5 of title 38, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing new section:

13 **“§ 547. Advisory Committee on Energy Management**
 14 **and Sustainability**

15 “(a) ESTABLISHMENT.—There is in the Department
 16 the Advisory Committee on Energy Management and Sus-
 17 tainability (hereinafter in this section referred to as the
 18 ‘Committee’). The chair of the Committee is the Director
 19 of the Office of Energy Management under section 321
 20 of this title.

21 “(b) MEMBERSHIP.—(1) The Committee shall consist
 22 of members appointed by the Secretary from the general
 23 public, including—

1 “(A) individuals who are recognized authorities
2 in fields pertinent to energy management and sus-
3 tainability; and

4 “(B) representatives of industries relating to
5 energy management and sustainability.

6 “(2) The Committee shall include, as ex officio mem-
7 bers, the following:

8 “(A) The Under Secretary for Health, or the
9 Under Secretary’s designee.

10 “(B) The Under Secretary for Benefits, or the
11 Under Secretary’s designee.

12 “(C) The Under Secretary for Memorial Af-
13 fairs, or the Under Secretary’s designee

14 “(D) The Assistant Secretary for Management,
15 or the Assistant Secretary’s designee.

16 “(E) The Chief Information Officer, or the
17 Chief Information Officer’s designee.

18 “(F) Such other officers of the Department as
19 the Secretary considers appropriate.

20 “(3) The Secretary shall ensure that the members of
21 the Committee have expertise in the areas covered by the
22 memorandum of understanding entitled ‘Federal Leader-
23 ship in High Performance and Sustainable Buildings’ en-
24 tered into on March 6, 2006, as in effect on the date of
25 the enactment of this section, namely—

1 “(A) employment of integrated design prin-
2 ciples;

3 “(B) optimization of energy performance;

4 “(C) protection and conservation of water;

5 “(D) enhancement of indoor environmental
6 quality; and

7 “(E) reduction of the environmental impact of
8 materials.

9 “(4) The Secretary shall determine the number,
10 terms of service, and pay and allowances of members of
11 the Committee appointed by the Secretary, except that a
12 term of service of any such member may not exceed three
13 years. The Secretary may reappoint any such member for
14 additional terms of service.

15 “(c) RESPONSIBILITIES.—(1) The Committee shall
16 provide advice, coordination, and recommendations related
17 to the implementation of the sustainability construction
18 projects for the Department of Veterans Affairs.

19 “(d) CONSULTATION.—(1) The Secretary shall, on a
20 regular basis, consult with and seek the advice of the Com-
21 mittee with respect to the implementation of energy and
22 sustainability programs at the Department.

23 “(2) In providing advice to the Secretary under this
24 subsection, the Committee shall—

1 “(A) assemble and review information relating
2 to the needs of the Department as part of a whole
3 sustainability and energy savings program;

4 “(B) provide an assessment of the effectiveness
5 of the policies, organizational structures, and serv-
6 ices of the Department’s sustainability program; and

7 “(C) provide on-going advice on the most ap-
8 propriate means of responding to additional energy
9 and sustainability requirements as may be imposed
10 upon the Department through additional Acts of
11 Congress, or through Presidential Executive Orders
12 for each of the Department’s business lines.

13 “(e) ANNUAL REPORTS.—(1) Not later than Decem-
14 ber 31 of each year, the Committee shall submit to the
15 Secretary an electronic report on the programs and activi-
16 ties of the Department relating to sustainability programs
17 and energy efficiency programs developed by the Depart-
18 ment. Each such report shall include—

19 “(A) an assessment of the needs of each of the
20 Department’s business lines to enhance sustain-
21 ability programs within each administration;

22 “(B) a review of the programs and activities of
23 the Department designed to meet such needs; and

1 “(C) such recommendations (including rec-
2 ommendations for administrative and legislative ac-
3 tion) as the Committee considers appropriate.

4 “(2) Not later than 90 days after receipt of a report
5 under paragraph (1), the Secretary shall transmit elec-
6 tronically to the Committees on Veterans’ Affairs of the
7 Senate and House of Representatives a copy of the report,
8 together with any comments and recommendations con-
9 cerning the report that the Secretary considers appro-
10 prium.

11 “(3) The Committee may also submit to the Sec-
12 retary such other reports and recommendations as the
13 Committee considers appropriate.

14 “(4) The Secretary shall submit with each annual re-
15 port submitted to the Congress pursuant to section 529
16 of this title a summary of all reports and recommendations
17 of the Committee submitted to the Secretary since the pre-
18 vious annual report of the Secretary submitted pursuant
19 to that section.

20 “(f) APPLICABILITY OF FEDERAL ADVISORY COM-
21 MITTEE ACT.—(1) Except as provided in paragraph (2),
22 the provisions of the Federal Advisory Committee Act (5
23 U.S.C. App.) shall apply to the activities of the Committee
24 under this section.

1 “(2) Section 14 of such Act shall not apply to the
2 Committee.”.

3 (b) STAFF AWARENESS CAMPAIGNS TO ENCOURAGE
4 SUPPORT AND ADOPTION OF ENERGY SAVINGS PRAC-
5 TICES.—The Secretary of Veterans Affairs shall conduct
6 a campaign to encourage personnel of the Department of
7 Veterans Affairs to support and adopt energy savings
8 practices.

9 (c) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by adding
11 at the end the following new item:

“547. Advisory Committee on Energy Management and Sustainability.”.

12 **SEC. 7. COMPLIANCE WITH EXECUTIVE ORDER 13423 AND**
13 **DEPARTMENT OF VETERANS AFFAIRS DIREC-**
14 **TIVE 0055.**

15 (a) EXECUTIVE ORDER 13423.—The Secretary of
16 Veterans Affairs shall ensure that the Department of Vet-
17 erans Affairs complies with Executive Order 13423. Not
18 later than 30 days after the date of the enactment of this
19 Act, the Secretary shall notify Congress of the current sta-
20 tus of the Department’s compliance.

21 (b) DEPARTMENT OF VETERANS AFFAIRS DIREC-
22 TIVE 0055.—The Secretary of Veterans Affairs shall no-
23 tify Congress—

24 (1) of the anticipated completion dates for
25 meeting the energy objectives contained in Depart-

1 ment of Veterans Affairs Directive 0055 using the
2 management tools specified in that Directive; and
3 (2) of the actual completion date for meeting
4 each objective.

5 **SEC. 8. REPORT ON INSTALLATION OF FUELING STATIONS**
6 **FOR ALTERNATIVE FUELS.**

7 (a) REPORT REQUIRED.—The Secretary of Veterans
8 Affairs shall submit to Congress a report on the use of
9 funds appropriated for “Construction, minor projects” for
10 the installation of alternative fueling stations at 35 med-
11 ical facility campuses under title II of the Military Con-
12 struction and Veterans Affairs and Related Agencies Ap-
13 propriations Act, 2009 (division E of Public Law 110–
14 329; 122 Stat. 3708). Such report shall include—

15 (1) a list of the 35 medical facility campuses at
16 which the Secretary plans to install alternative fuel-
17 ing stations;

18 (2) the types of alternative fuels to be made
19 available at each station; and

20 (3) the cost of installing each station.

21 (b) REQUIREMENT FOR ALTERNATIVE FUELS.—The
22 alternative fuel made available through the alternative
23 fueling stations on Department of Veterans Affairs med-
24 ical facility campuses referred to in subsection (a) shall
25 include domestically produced and refined E–85.

1 **SEC. 9. INSTALLATION OF ENERGY EFFICIENT AND RENEW-**
2 **ABLE ENERGY SYSTEMS IN DEPARTMENT**
3 **BUILDINGS.**

4 (a) PLAN TO INCREASE USE OF RENEWABLE EN-
5 ERGY AND ENERGY EFFICIENCY TECHNOLOGIES IN DE-
6 PARTMENT FACILITIES.—Not later than March 30, 2010,
7 the Secretary of Veterans Affairs shall submit to Con-
8 gress, in electronic form, a detailed plan for increasing the
9 use of energy efficient and renewable energy technologies
10 in Department of Veterans Affairs facilities and oper-
11 ations, including—

12 (1) qualified solar technologies such as distrib-
13 uted amorphous, crystalline and nano-photovoltaic
14 technologies systems, solar heating systems, solar
15 cooling systems, solar hot water systems, solar light-
16 ing systems, and hybrid technologies that incor-
17 porate one or more of such systems;

18 (2) qualified energy efficient roof and building
19 envelope systems such as systems with high solar re-
20 flectance or thermal emittance, including high albedo
21 systems, systems with high thermal resistance, in-
22 cluding use of enhanced roof insulation, systems
23 with high thermal inertia, including use of ballasted
24 or vegetated roof systems;

25 (3) qualified wind technologies; and

1 (4) qualified biomass materials such as wood-
2 based renewable fuels to be used for fueling boilers
3 and heaters.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated \$150,000,000 to carry out
6 subsection (a).

7 **SEC. 10. USE OF ELECTRICAL SUB-METERING OF BUILD-**
8 **INGS OF THE DEPARTMENT OF VETERANS**
9 **AFFAIRS.**

10 (a) INSTALLATION REQUIRED.—The Secretary of
11 Veterans Affairs shall provide for the installation of indi-
12 vidual electrical sub-metering equipment for—

13 (1) each boiler plant, chiller building, energy
14 center, and laundry of the Department of Veterans
15 Affairs, whether in existence as of the date of the
16 enactment of this Act or constructed after the date
17 of the enactment of this Act; and

18 (2) all other buildings of the Department of
19 Veterans Affairs constructed after the date of the
20 enactment of this Act.

21 (b) PURPOSE.—The sub-metering required by this
22 section is intended to record building electrical energy con-
23 sumption for economic analysis and energy conservation
24 measures.

25 (c) INSTALLATION LOCATION.—

1 (1) IN GENERAL.—In the case of boiler plants,
2 chiller buildings, energy centers, and laundry build-
3 ings, the sub-metering equipment shall be installed
4 at the building’s low-voltage switchboard. If high-
5 voltage chillers are used, additional sub-metering
6 equipment for the chillers shall be installed. The me-
7 ters for boiler plants shall be located separately from
8 the energy center, where feasible.

9 (2) NEW SEPARATE BUILDINGS.—In the case of
10 buildings described in subsection (a)(2), the sub-me-
11 tering equipment shall be installed with the build-
12 ing’s utilization voltage equipment.

13 (3) METER FUNCTIONS.—At a minimum, the
14 meter shall monitor voltage, current, kW, kW de-
15 mand, kW hours, kVA, kVAR, and power factor.

16 **SEC. 11. ENERGY STAR ACQUISITION REQUIREMENTS.**

17 The Secretary of Veterans Affairs shall ensure, to the
18 maximum extent practicable, that energy efficient prod-
19 ucts meeting the requirements of the Department of Vet-
20 erans Affairs are purchased whenever the Department
21 purchases items that consume electricity. In determining
22 the energy efficiency of products, the Secretary shall con-
23 sider products that—

24 (1) meet or exceed Energy Star specifications;
25 or

1 (2) are listed on the Federal Energy Manage-
 2 ment Program Product Energy Efficiency Rec-
 3 ommendations product list of the Department of En-
 4 ergy.

5 **SEC. 12. GRANTS FOR ADAPTIVE HOUSING TO ENCOURAGE**
 6 **USE OF HIGH EFFICIENCY SYSTEMS AND**
 7 **PRODUCTS AND OTHER ENERGY REDUCTION**
 8 **ITEMS.**

9 Section 2102 of title 38, United States Code, is
 10 amended by adding at the end the following new sub-
 11 section:

12 “(f) The dollar limitations in effect under subsections
 13 (b) and (d) may be increased by the lesser of—

14 “(1) an amount equal to the actual cost of any
 15 high efficiency systems or products or other energy-
 16 use reduction items incorporated into the housing
 17 unit; or

18 “(2) \$10,000.”.

19 **SEC. 13. GRANTS FOR ADAPTIVE VEHICLES TO ENCOURAGE**
 20 **PURCHASE OF ALTERNATIVE FUEL VEHI-**
 21 **CLES.**

22 Section 3902(a) of title 38, United States Code, is
 23 amended by adding at the end the following new sentence:
 24 “The amount otherwise available to an eligible individual
 25 under this subsection may be increased by an amount

1 equal to the difference between the cost of an alternative
 2 fuel vehicle and the cost of a comparable gas or diesel
 3 model of the vehicle if the eligible person elects to pur-
 4 chase an alternative fuel vehicle.”.

5 **SEC. 14. STUDY ON WATER AND ENERGY CONSUMPTION BY**
 6 **NATIONAL CEMETERY ADMINISTRATION.**

7 (a) WATER CONSUMPTION STUDY.—The Secretary of
 8 Veterans Affairs shall conduct a study on water consump-
 9 tion by activities of the National Cemetery Administration
 10 and ways to reduce water consumption. The study shall
 11 also examine the extent to which the use of grasses and
 12 other vegetation that is not native to the location of a na-
 13 tional cemetery affects water consumption and evaluate
 14 the feasibility of composting grass clippings and other
 15 vegetation collected during cleanup of national cemeteries.

16 (b) FUEL CONSUMPTION STUDY.—The Secretary of
 17 Veterans Affairs shall conduct a study on fuel consump-
 18 tion by equipment of the National Cemetery Administra-
 19 tion used in maintaining national cemeteries and ways to
 20 improve fuel efficiency at cemeteries and other facilities
 21 under the control of the National Cemetery Administra-
 22 tion.

23 (c) DEADLINE FOR COMPLETION OF STUDIES.—The
 24 Secretary of Veterans Affairs shall complete the studies

1 required under subsections (a) and (b) by not later than
2 September 30, 2010.

3 (d) REPORT.—Not later than March 31, 2011, the
4 Secretary of Veterans Affairs shall submit to the Commit-
5 tees on Veterans' Affairs of the Senate and House of Rep-
6 resentatives a report on the studies conducted under this
7 section.

8 **SEC. 15. USE BY DEPARTMENT OF VETERANS AFFAIRS OF**
9 **EXPERTISE OF THE NATIONAL LABORA-**
10 **TORIES REGARDING ENERGY AND WATER EF-**
11 **FICIENT TECHNOLOGIES.**

12 (a) MEMORANDUM OF UNDERSTANDING.—The Sec-
13 retary of Veterans Affairs and the Secretary of Energy
14 shall enter into a memorandum of understanding for the
15 purpose of improving and facilitating the use by the De-
16 partment of Veterans Affairs of the expertise of the na-
17 tional laboratories to evaluate energy and water efficient
18 technologies for use by the Department to implement this
19 Act.

20 (b) ASSISTANCE.—The memorandum of under-
21 standing shall provide that the Secretary of Veterans Af-
22 fairs shall request assistance from the national labora-
23 tories with respect to energy and water efficient tech-
24 nologies as the Secretary of Veteran Affairs and the Sec-
25 retary of Energy determine can be provided through the

1 technical skills and experience of the national laboratories,
2 using such financial arrangements as the Secretaries de-
3 termine are appropriate.

4 (c) ACTIVITIES.—The memorandum of under-
5 standing shall provide that the national laboratories shall
6 carry out those activities necessary to respond to requests
7 for assistance from the Secretary of Veterans Affairs re-
8 ferred to in subsection (b).

9 (d) NATIONAL LABORATORIES.—In this section, the
10 term “national laboratory” has the meaning given that
11 term in section 2 of the Energy Policy Act of 2005 (42
12 U.S.C. 15801).

13 **SEC. 16. PILOT PROGRAM FOR THE SALE OF AIR POLLU-**
14 **TION EMISSION REDUCTION INCENTIVES**
15 **AND RETENTION OF PROCEEDS FROM SALES.**

16 (a) AUTHORITY.—The Secretary of Veterans Affairs,
17 in consultation with the Administrator of General Serv-
18 ices, may carry out a pilot program to sell economic incen-
19 tives for the reduction of emission of air pollutants attrib-
20 utable to a facility of the Department of Veterans Affairs.

21 (b) INCENTIVES AVAILABLE FOR SALE.—Under the
22 program, the Secretary of Veterans Affairs may sell eco-
23 nomic incentives for the reduction of emission of air pol-
24 lutants attributable to a facility of the Department only

1 if such incentives are not otherwise required for the activi-
2 ties or operations of the Department.

3 (c) USE OF PROCEEDS.—

4 (1) CREDIT TO DEPARTMENT FACILITIES.—The
5 proceeds of sale of economic incentives attributable
6 to a facility of the Department shall be credited to
7 the funds available to the facility for the costs of
8 identifying, quantifying, or valuing economic incen-
9 tives for the reduction of emission of air pollutants.
10 The amount credited shall be equal to the cost in-
11 curred in identifying, quantifying, or valuing the
12 economic incentives sold.

13 (2) ALLOCATION TO DEPARTMENT PROGRAMS,
14 PROJECTS, AND ACTIVITIES.—If after crediting
15 under paragraph (1) a balance remains, the amount
16 of such balance shall be available to the Department
17 for allocation by the Secretary of Veterans Affairs
18 for programs, projects, and activities of the Depart-
19 ment necessary for compliance with Federal environ-
20 mental laws, including the purchase of economic in-
21 centives for the reduction of emission of air pollut-
22 ants. To the extent practicable, amounts allocated
23 under this paragraph shall be made available to the
24 facilities that generated the economic incentives pro-
25 viding the basis for the amounts.

1 (3) TREATMENT OF PROCEEDS.—Funds cred-
 2 ited under paragraph (1) or allocated under para-
 3 graph (2) shall be merged with the funds to which
 4 credited or allocated, as the case may be, and shall
 5 be available for the same purposes and for the same
 6 period as the funds with which merged.

7 (d) DEFINITION.—In this section, the term “eco-
 8 nomic incentives for the reduction of emission of air pol-
 9 lutants” means any transferable economic incentives (in-
 10 cluding marketable permits and emission rights) necessary
 11 or appropriate to meet air quality requirements under the
 12 Clean Air Act (42 U.S.C. 7401 et seq.).

13 (e) TERMINATION.—The authority to carry out a
 14 pilot program under this section shall terminate on Sep-
 15 tember 30, 2011.

16 **SEC. 17. SUBMISSION OF REPORTS TO CONGRESS BY SEC-**
 17 **RETARY OF VETERANS AFFAIRS IN ELEC-**
 18 **TRONIC FORM.**

19 (a) SUBMISSION OF REPORTS.—Chapter 1 of title 38,
 20 United States Code, is amended by adding at the end the
 21 following:

22 **“§ 117. Reports to Congress: submission in electronic**
 23 **form**

24 “(a) REQUIREMENT.—Whenever the Secretary or
 25 any other official of the Department is required by law

1 to submit to Congress (or any committee of either House
2 of Congress) a report, the Secretary or other official shall
3 submit to Congress (or such committee) a copy of the re-
4 port in an electronic format.

5 “(b) TREATMENT.—The submission of a copy of a
6 report in accordance with this section shall be treated as
7 meeting any requirement of law to submit such report to
8 Congress (or any committee of either House of Congress).

9 “(c) DEFINITION.—For the purposes of this section,
10 the term ‘report’ includes any certification, notification,
11 or other communication in writing.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by adding
14 at the end the following new item:

“117. Reports to Congress: submission in electronic form.”.

15 (c) EFFECTIVE DATE.—Section 117 of title 38,
16 United States Code, as added by subsection (a), shall
17 apply with respect to a report submitted after the date
18 that is 90 days after the date of the enactment of this
19 Act.

○